REMARKS

Paragraph 1 of the Office Acton states "Claims 1-33 are pending as filed on 25 March 2005. Claims 2, 5-7, 11, 14, 16, 19-20, 22, 23, 25, 25, 26, 28, 29 and 31-33 have been withdrawn from consideration." In view of the election of Inv-5 and TBP species, Applicants believe that the list of claims that do not cover the elected invention or species should be: 2, 7, 11, 14, 16, 19-20, 22, 23, 28, 29 and 31-33. Claims 5 and 6 cover the elected species Inv-5. Claims 25, 26, and 27 are generic enough to cover either the elected species.

Claims 1, 3, 4, 8-10, 12, 13, 15, 17, 18, 24, 27 and 30 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 4, 12 and 13 of U.S. Patent No. 6,828,044 (Conley '044 hereinafter).

Although the conflicting claims are not identical, they are not patentably distinct from each other because Conley '044 claims an organic light emitting diode device comprising the elected anthracene host, and a light emitting compound that emits white or blue light and a method of emitting light comprising subjecting the device to an applied voltage.

Claims 1, 3, 4, 8-10, 12, 13, 15, 17 and 24 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 10 of **U.S. Patent No. 6,670,053** (Conley '053 hereinafter). Claims 1, 3, 4, 8-10, 12, 13, 15, 17, 18 and 21 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 11 of copending Application No. **10/662, 272**. Claims 1, 3, 4, 8-10, 12, 13, 15, 17, 18, 21, 24, 27 and 30 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 5, 24 and 33 of copending Application No. **10/803,770**. Claims 1, 3, 4, 8-10, 12, 13, 15, 17, 18, 21, 24 and 30 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 19, 23, 24 and 39 of copending Application No. **10/897,357**. Claims 1, 3, 4, 8-10, 12, 13, 15, 17, 21 and 24 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 6 of

copending Application No. **11/076,720**. Claims 1, 3, 4, 8-10, 12, 13, 15, 17, 21, and 24 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 4 of copending Application No. **11/136,768**.

Claims 1, 3, 4, 8-10, 12, 13, 15, 17, 18, 21, 24, 27 and 30 stand rejected under 35 U.S.C. 102(e) as being anticipated by commonly assigned US 6,661,023 (Hoag hereinafter). According to the Examiner:

> Hoag teaches an organic light emitting diode device (Abstract, Figure 1 and Column 1, Lines 11-16) comprising the elected anthracene host as shown by compound F when R_1-R_5 are hydrogen and R_6 is a phenyl group (Column 18 Line 63 – Column 19 Line 31), and the elected light emitting compound (Column 19 Lines 30-45) capable of emitting white or blue light (Column 18 Line 63-67 and Column 19 Lines 1-14) and a method of emitting light comprising subjecting the device to an applied voltage (Column 13 Lines 10-30).

The Examiner has also applied 35 USC 102 rejections over 5 other common assignee patent publications containing an almost identical, boilerplate-type of disclosure.

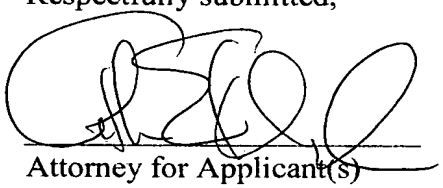
Claim 1 clearly calls for both an aryl group in the 2-position, and a hydrogen or alkyl group in the 6-position. In order to arrive at both of these requirements, one must make specific selections from two different lists, H or alkyl at position 6, and an aryl at position 2. It has never been construed as an anticipation when the compound can only be arrived at by selecting from two different lists. There are some 20 different types or substituents (H included by the reference) that can be chosen from and all can be broadly substituted. Any one or all of R_1 to R_6 can be any one of these substituents. Broad generic disclosures and broad shotgun disclosures like this do not anticipate a selection of a specific combination. If it did, there would not be selection patents. See Becket v. Coe, 38USPQ26 (1938); Haynes Stellite Co. v. Chesterfield, 38 USPQ 29 (1927); Ex Parte Kuhn, 132USPQ 359 (1961); In Re Arkley 172 USPQ 524 (1972).

It is noted that the present application contains comparative data for TBADN in Tables 1-8. TBADN (identified at page 50, line 28 of the specification and in the cited references) appears to be an anthracene compound

that is selectable from the boilerplate type disclosure of the references relied on under 35 USC 102. It is anthracene bearing a t-butyl group in 2-position and 2-naphthyl in the 9- and 10-positions. Clearly Applicants' selection is superior over the comparison TBADN and there is no motivation to make Applicants selection in the cited art.

In view of the foregoing remarks and the enclosed Terminal Disclaimer, the Examiner is respectfully requested to withdraw the outstanding rejection and to pass the subject application to Allowance.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.

Encl: Terminal Disclaimer over 1 patent and 5 applications